



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 22 2019

OFFICE OF
INSPECTOR GENERAL

Ms. Emma Best
MuckRock News
DEPT MR 74152
411A Highland Ave
Summerville, Massachusetts 02144

Re: Freedom of Information Act Request (EPA-HQ-2019-006046) – Final Disposition Letter

Dear Ms. Best:

This letter responds to your Freedom of Information Act request to the Environmental Protection Agency Office of Inspector General dated May 29, 2019, seeking disclosure of “Copies of documents, including but not limited to emails, memos, letters, reports, briefs and call logs, referring to, discussing or generated as a result of referrals to and consultations with the Federal Bureau of Investigation and other components of the Department of Justice (Criminal Division, Civil Division, National Security Division, the Attorney General's office, etc.), regarding instances of unauthorized disclosures of information (AKA leaks) for investigation and/or prosecution between January 20, 1981 (or the date of creation of this agency, whichever came first) and the present.”

Documents responsive to your request have been uploaded to FOIAonline and can be accessed by searching for your request tracking number at <https://foiaonline.gov>. Some redactions of information have been made to the documents pursuant to the FOIA, 5 U.S.C. § 552, Subsections (b)(4), (b)(5), (b)(6), 7(C), and (b)(7)(E).

Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. Confidential business information has been withheld pursuant to Exemption 4.

Exemption 5 exempts from disclosure inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This exemption generally allows agencies to exempt those documents that are privileged in the context of civil discovery. EPA OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege's domain. Documents related to conversations between the attorney and client have been withheld as attorney-client privileged pursuant to Exemption 5.

Exemption 6 exempts from disclosure any information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) provides protection for personal information in law enforcement records the disclosure of which could reasonably be

expected to constitute an unwarranted invasion of personal privacy. The names of individuals, and any information which may identify them have been withheld pursuant to both Exemptions 6 and 7(C).

Exemption 7(E) allows agencies to protect from disclosure all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions or which would disclose guidelines for law enforcement investigation or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may appeal this decision to the Counsel to the Inspector General, Office of Counsel, Office of Inspector General, 1200 Pennsylvania Avenue NW, Mail Code (2411T), Washington, D.C. 20460 or via email at oig_foia@epa.gov. The appeal must be made in writing and must be submitted no later than 90 calendar days from the date of this letter. The appeal letter and envelope should include the FOIA tracking number listed above and be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from either the EPA FOIA Public Liaison (hq.foia@epa.gov; 202-566-1667) or the Office of Government Information Services (OGIS). OGIS serves as a bridge between FOIA requesters and agencies and can be reached by email at ogis@nara.gov, by phone at 1-877-684-6448, or by fax at (202) 741-5769.

If you have any questions concerning this matter, you may contact me at (202) 566-1512 or oig_foia@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Levine", with a long horizontal flourish extending to the right.

Scott Levine
Associate Counsel & OIG FOIA Officer

Enclosures via FOIAonline